

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JERRY ADAMS,
Petitioner,

v.

JAMES V. BEAL,
Respondent.

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Civil Action No. 7:15-cv-00594

ORDER

By: Hon. Robert S. Ballou
United States Magistrate Judge

Presently before the court is respondent's motion to dismiss petitioner's 28 U.S.C. § 2254 petition and petitioner's motion to compel discovery. Petitioner requests an order compelling respondent to produce cellular data records. Rule 6 of the of the Rules Governing § 2254 Cases authorizes discovery if the court finds good cause, and Rule 7 permits the court to expand the record if the court does not dismiss the petition. Petitioner has not established good cause to authorize discovery, and the court will not expand the record until respondent's motion to dismiss is resolved. Accordingly, petitioner's motion to compel discovery is **DENIED**.

The Clerk shall send a certified copy of this Order to the parties.

It is so **ORDERED**.

Enter: May 26, 2016

/s/ Robert S. Ballou

Robert S. Ballou
United States Magistrate Judge